

HOUSE BILL REPORT

HB 1218

As Passed House:

February 23, 2009

Title: An act relating to imprisonment for contempt of court cases.

Brief Description: Changing the requirement that contempt of court sanctions be served in the county jail.

Sponsors: Representatives Goodman, Klippert, O'Brien, Ross, Simpson and Williams.

Brief History:

Committee Activity:

Judiciary: 1/28/09, 1/29/09 [DP].

Floor Activity

Passed House: 2/23/09, 95-0.

Brief Summary of Bill

- Removes the requirement that jail detention imposed for contempt of court must be served in the county jail.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 11 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan, Kelley, Kirby, Ormsby, Roberts, Ross and Warnick.

Staff: Edie Adams (786-7180)

Background:

A judge or court commissioner may impose sanctions for contempt of court. Contempt of court is any intentional:

- disorderly conduct toward a judge that impairs the court's authority or interrupts judicial proceedings;
- disobedience of any lawful judgment, decree, order, or process of the court;

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- refusal, without lawful authority, by a witness to appear, be sworn, or answer a question; or
- refusal, without lawful authority, to produce a court record, object, or other document.

Sanctions imposed for contempt of court may be either punitive or remedial. Punitive sanctions are imposed to punish a past contempt of court. A prosecuting or city attorney, on his or her own initiative or at the request of an aggrieved person or judge, must file an action to impose a punitive sanction. After a hearing, the court may impose a punitive sanction of a fine of up to \$5,000, imprisonment in the county jail for not more than one year, or both.

Remedial sanctions are imposed to coerce performance with a court order. A court may initiate a proceeding to impose a remedial sanction on its own motion or on the motion of an aggrieved person. Remedial sanctions include imprisonment, a forfeiture not to exceed \$2,000 for each day the contempt continues, or other orders to ensure compliance.

In addition, a judge presiding in an action may immediately and summarily impose either a remedial or punitive sanction for a contempt of court committed in the judge's presence in order to preserve order in the court and preserve the dignity of the court. Punitive sanctions that may be imposed under these circumstances include a fine of up to \$500 or imprisonment in the county jail for up to 30 days, or both.

Summary of Bill:

The contempt of court statute is revised to allow detention imposed for contempt of court to be served in any jail, not just in the county jail.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This is a simple measure to allow municipal courts to order detention for contempt of court to be served in the city jail. This will save cities money since the city jail is less costly and transportation costs can be avoided. Detention for contempt of court is not used very often, but it makes sense to make this change for the cases where it is used.

(Opposed) None.

Persons Testifying: Representative Goodman, prime sponsor; and Michael Lambo, District and Municipal Court Judges Association.

Persons Signed In To Testify But Not Testifying: None.